

1IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 E/S Bell Gwynn Road, 1050 ft.  
 +/- N of Hartley Mill Rd. \* ZONING COMMISSIONER  
 5623 Bell Gwynn Road  
 11th Election District \* OF BALTIMORE COUNTY  
 6th Councilmanic District  
 James Lytton, et ux \* Case No. 96-197-A  
 Petitioners  
 \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 5623 Bell Gwynn Road in northern Baltimore County. The Petition is filed by James Lytton and Donna Lytton, his wife, property owners. Variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (pool and deck) to be located in the front/side yard with a closest setback of 1-1/2 ft. in lieu of the required rear yard and 2-1/2 ft. minimum setback. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case were the Petitioners/property owners. Appearing in opposition and/or as interested persons were George Selby and Carol Selby, adjacent property owners.

Testimony and evidence presented by the Petitioners was that the subject property is approximately one acre in area zoned R.C.2. The property is located in the rural northern portion of Baltimore County. As shown on the site plan, the parcel is irregularly shaped. Apparently, the Petitioners have owned the property and resided thereon for approximately 8 years. The property is zoned R.C.2.

There are a number of significant site constraints attached to their property. As shown on the plan, a stream and area of wetlands traverses the property and significantly limits the building envelope. Thus, the

ORDER RECEIVED FOR FILING

Date

By

11/14/96  
 J. M. G. [Signature]

11/14/96

dwelling and related improvements are clustered towards the southeast corner of the tract. Moreover, vehicular access to the property is by way of a driveway which crosses the Selbys' property. Apparently, the Petitioners enjoy an easement permitting vehicular access to and from their property across this driveway.

The subject variance is necessary because of a pool and deck which have been located adjacent to the dwelling. The pool and deck are shown on a number of photographs which were submitted by both sides at the hearing. The pool is an above ground circular structure. It is located near the driveway entrance to the property and within close proximity to the property line and Selbys' dwelling. Testimony was that the pool has been at this location for approximately 7 years.

Mr. and Mrs. Lytton testified that the present location of the pool is the only practical place on the lot where the pool can be constructed. They note the location of the dwelling and site constraints caused by the stream as factors which led to the placement of the pool as constructed. Moreover, the rear of the site is heavily wooded and sloped thereby preventing placement of the pool in that area of the lot. The Petitioners maintain that variance relief should be granted in that the pool and deck cannot be practically located elsewhere on the lot.

Mr. and Mrs. Selby do not object, per se, to the location of the pool. However, as shown in photographs which were submitted, there has been an accumulation of debris adjacent to the pool. They believe that this debris is an eyesore and is unattractive. They are particularly concerned because the pool and the debris which is accumulated in the vicinity is within close proximity of their dwelling.

The issue before me is a narrow one. The requested variance seeks only relief to allow the pool and deck to be located as described above.

Within that narrow context, I am persuaded to grant the Petition for Variance. I am convinced that the Petitioners have satisfied the standard at law to support the grant of the variance relief. Specifically, the property does possess a number of unique site constraints and characteristics which limit the area for these improvements. I am convinced that the pool is situated at the only location where practical.

While I will grant the Petition for Variance, I am appreciative of the neighbors concerns. The grant of the variance should not be construed to confer any greater right to the property owner than is provided herein. Certainly, the legal rights provided by the easement are not affected by the grant of variance relief and the Petitioner must respect the property lines and cannot commit a trespass upon their neighbors' property. As importantly, the Petitioners should be cautioned not to accumulate an undue volume of debris on the property. The Petitioners' dwelling and that owned by its neighbor are substantial and, obviously, constitute significant investment. The Petitioners should assure maintenance of these property values by keeping the property clear of debris. Accumulation of debris on a long term basis may subject the Petitioners to inspection by the Zoning Enforcement Office and possible prosecution.

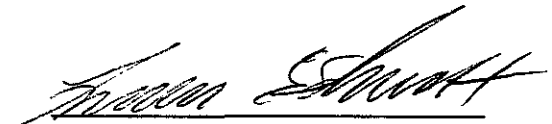
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11<sup>th</sup> day of January, 1996 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (pool and deck) to be located in the front/side yard with a closest setback of 1-1/2 ft. in lieu of the required rear yard and 2-1/2

ft. minimum setback, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES/umn

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

11/11/96  
M. Good

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 11, 1996

Mr. and Mrs. James Lytton  
5623 Bell Gwynn Road  
Glen Arm, Md. 21057

RE: Case No. 96-197-A  
Petition for Zoning Variance  
Property: 5623 Bell Gwynn Road

Dear Mr. and Mrs. Lytton:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

att.

cc: Mr. and Mrs. George Selby, 5621 Bell Gwynn Road,  
Glen Arm, Md. 21057





# Petition for Variance

96-197-A  
to the Zoning Commissioner of Baltimore County

for the property located at 5623 Bell Gwynn rd  
which is presently zoned \_\_\_\_\_

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1

To allow an accessory (pool & deck) to be located in the front/side yard and with a closest setback of  $1\frac{1}{2}$  feet in lieu of the required rear yard and  $2\frac{1}{2}$  feet minimum setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Pool existing six years, No other place we could put it due to slope of property and septic and dry well in back yard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

James Lytton

(Type or Print Name)

Signature

Donna Lytton

(Type or Print Name)

Signature

5623 Bell Gwynn rd

Address

H 592-2270

W 396 3028

Phone No

Glenn ARM

City

MD

State

21057

Zipcode

Name, Address and phone number of representative to be contacted.

James Lytton

Name

5623 Bell Gwynn rd

Address

592 2270

396 3028

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 11-6-95

196



Printed with Soybean Ink  
on Recycled Paper

Revised 9/5/95

196

Zoning Description 96-197-A  
5623 Bell Gwynn Rd.

Beginning at a point on the East side of  
Bell Gwynn Rd at a point 1050 ft  $\pm$  N of  
Hartley Mill Rd. thence running N 256.61 ft  
thence N 268.8 ft, thence N. 116.97 ft, thence E  
59 ft. thence S 603.37 ft, thence W 33.16 ft.  
thence N. 46 ft thence N. 55 ft. thence N 72 ft thence  
West 23 ft thence S 152 ft. to the point of  
beginning. Containing 1.00 AC  $\pm$  and located  
in the 11<sup>th</sup> E.D.

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

96-197-17

District 11th

Date of Posting 11/28/95

Posted for: Variance

Petitioner: James & Donna Lytton

Location of property: 5673 Bell Gwynn Rd

Location of Sign: Facing roadway on property being zoned

Remarks: \_\_\_\_\_

Posted by M. H. H. H.  
Signature

Date of return: 12/1/95

Number of Signs: 1





**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #88-197-A  
(Item 198)

5523 Ball Gwynn Road  
E/S Ball Gwynn Road, 1080  
+/- N of Hanley Mill Road  
11th Election District  
6th Councilmanic  
Lapin Owner(s)  
James Lapin and Donna  
Lapin

Hearing: Wednesday, December 13, 1988 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance: To allow an accessory (pool & deck) to be located in the front/side yard and with a closest setback of 1-1/2 feet in lieu of the required rear yard and 2-1/2 feet minimum setback.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Call 887-3353.  
(2) For information concerning the file and/or hearing, Please Call 887-3391.

11/27/88 Nov. 23. c18744

**CERTIFICATE OF PUBLICATION**

TOWSON, MD.,

*Nov 30, 1988*

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 23, 1988.

**THE JEFFERSONIAN,**

*A. H. Enid*  
**LEGAL AD. - TOWSON**

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

031375

DATE 11-6-95 ACCOUNT R-001-6150

96-197-A

AMOUNT

\$ 85.00

# 5653 Ball Gwynn Rd - site

RECEIVED  
FROM:

MA + MAZ, Lytton-Owners

# 010 Residential Variance filing fee \$50.

FOR:

# 080 Sign + Postage 35

Total \$85.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 196 Petitioner: \_\_\_\_\_

Location: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

NAME: James Lytton

ADDRESS: P/O BOX 5035

Glen ARM MD 21057

PHONE NUMBER: 992-2270



TO: PUTUMAZENT PUBLISHING COMPANY

November 22/23, 1995 Issue - Jeffersonian

Please forward billing to:

James Lytton  
P. O. Box 5035  
Glen Arm, Maryland 21057  
592-2270

---

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-197-A (Item 196)  
5623 Bell Gwynn Road  
E/S Bell Gwynn Road, 1050' +/- N of Hartley Mill Road  
11th Election District - 6th Councilmanic  
Legal Owner: James Lytton and Donna Lytton

Variance to allow an accessory (pool & deck) to be located in the front/side yard and with a closest setback of 1-1/2 feet in lieu of the required rear yard and 2-1/2 feet minimum setback.

HEARING: WEDNESDAY, DECEMBER 13, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-197-A (Item 196)  
5623 Bell Gwynn Road  
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HEARING: WEDNESDAY, DECEMBER 13, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: James and Donna Lytton

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 5, 1995

Mr. and Mrs. James Lytton  
5623 Bell Gwynn Road  
Glen Arm, MD 21057

RE: Item No.: 196  
Case No.: 96-197-A  
Petitioner: J. Lytton, et ux

Dear Mr. and Mrs. Lytton:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. C. Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Nov. 29, 1995  
Zoning Administration and Development Management

FROM: *Pub* Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for November 27, 1995  
Items 196, 197, 199, and 200

The Development Plans Review Division has reviewed  
the subject zoning items and we have no comments.

RWB:sw



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

11-22-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 196 (JJS)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

  
*for* Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/20/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 20, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

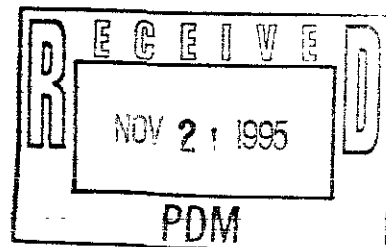
8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 194, 196, 197, 199, 200, 201,  
202 & 203.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper



B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO:     Arnold Jablon, Director  
         Permits and Development  
         Management

DATE:   November 17, 1995

FROM:   Pat Keller, Director  
         Office of Planning

SUBJECT:   Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 196, 197, 198, 199, 200, 201, 203 and 204

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey Long*

Division Chief:

*Carol L. Kins*

PK/JL

## PETITION PROBLEMS

### #194 — MJK

Need power of attorney for person signing for legal owner.

### #196 --- JJS

No zoning listed on petition form.

### #200 --- JJS

Notary section is incomplete - only one signature notarized.

### #201 --- JJS

No telephone number for legal owner.

RE: PETITION FOR VARIANCE  
5623 Bell Gwynn Rd, E/S Bell Gwynn Rd,  
1050'+/- N of Hartley Mill Road, 11th  
Election District - 6th Councilmanic

James and Donna Lytton  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-197-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to James and Donna Lytton, 5623 Bell Gwynn Road, Glen Arm, MD 21057, Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

96-197-A

5623 Bel

~~7523~~ about 1 acre

zoned R12

# 8 years - lived here.

Bel here about 7 years

above ground

---

Selby - Understands what  
pool is there

OK  
to  
Grant



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 1, 1998

Mr. Steve Schoendienst  
The Planning & Zoning Resource Corporation  
2212 N.W. 50th Street  
Suite 246  
Oklahoma City, OK 73112

RE: Cromwell Center  
8710 Emge Road  
9th Election District

Dear Mr. Schoendienst:

Pursuant to your letter of June 18, 1998 regarding the above referenced property, please be advised of the following information.

The subject property is currently zoned D.R.-5.5 (Density Residential, 5.5 dwelling units per acre) as per the official Baltimore County zoning map number NE-10C (copy enclosed). The latest zoning classification was approved in 1996. The use of the property for a nursing home is permitted by special exception (case number 96-197-X, approved 4/9/69) under Section 1B01.1.C of the Baltimore County Zoning Regulations. For information regarding the certificate of occupancy, please contact John Reisinger at 410-887-3610.

In addition, Baltimore County Code Enforcement has advised that there are no current or outstanding zoning violations on the subject property at this time.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Bruno Rudaitis".

Bruno Rudaitis  
Planner II  
Zoning Review

BR:scj

Enclosure





# THE PLANNING & ZONING RESOURCE CORPORATION

2212 50TH STREET, SUITE 246 • OKLAHOMA CITY, OKLAHOMA 73112  
TOLL-FREE TELEPHONE 1.800.411.2010 • FAX 1.405.840.2608

To Whom it May Concern:

We are preparing a due diligence report. Prior to a proposed loan, our client is concerned with certain aspects of the Site as listed below. As a first preference, our client would like a detailed zoning verification letter on your jurisdiction's letterhead. As the second preference, would you please respond and return your answers by FAX? Finally, if there are severe time constraints, would you please call in your answers?

SITE ADDRESS: 8710 Funge Road (Cromwell Center), Baltimore

ZONING DESIGNATION AND BRIEF DEFINITION:

D.R.-5.5 (Density Residential 5.5 dwelling units per acre)

IS THIS PROPERTY IN ANY SPECIAL, RESTRICTIVE, OR OVERLAY DISTRICT?

YES -    NO - X (Please explain):   

DO SPECIAL PERMITS OR CONDITION(S) APPLY WITH THIS PROPERTY?

YES -    NO -    (Please explain): Special Exception Case # 69-197-X

DOES THIS PROPERTY ABUT RESIDENTIAL OR DOES ANY OTHER ZONING/SITE EFFECT THIS PROPERTY'S STANDARDS? YES -    NO - X (Please explain):   

WAS THIS DEVELOPED WITH SITE PLAN APPROVAL?

YES - X NO -    (Please explain):   

WAS THIS A PLANNED UNIT DEVELOPMENT?

YES -    NO - X (Please explain):   

WERE ANY VARIANCES GRANTED?

YES -    NO - X (Please explain):   

DO YOUR RECORDS SHOW ANY OUTSTANDING BUILDING CODE VIOLATIONS?

YES -    NO -    (Please explain): call (410) 887-3953

DO YOUR RECORDS SHOW ANY ZONING ORDINANCE VIOLATIONS?

YES -    NO - X (Please explain):   

EFFECTIVE DATE OF ZONING CODE? OR DATES OF LAST REVISION?

Sept., 1997

WOULD YOU PROVIDE A COPY OF THE CERTIFICATE OF OCCUPANCY?

YES -    NO - X (Please explain):   

IF NOT, WOULD YOU PLEASE PROVIDE A NAME AND NUMBER OF SOMEONE WHO COULD?: John Reisinger (410) 887-3610

NAME: Bruno Rudaitis

DATE: 6/30/98

TITLE: Planner II

PHONE: (410) 887-3391

JURISDICTION: Baltimore County, MD

ADDRESS: 111 W. Chesapeake Ave. ZIP: 21204

Thank you!

NATIONAL PLANNING AND ZONING CONSULTING SERVICE

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

GEORGE SELBY

5621 BELL GWYNN RD.

CAROL SELBY

5621 Bell Gwynn Rd.



McGraw-Hill



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

James Lytton

5623 Bell Gwynn rd

Donna Lytton

5623 Bell Gwynn rd



Front - 75 ft of road  
Side - 35'  
Rear - 35'

ZONING RC-2

~~Def'n~~ Environ:

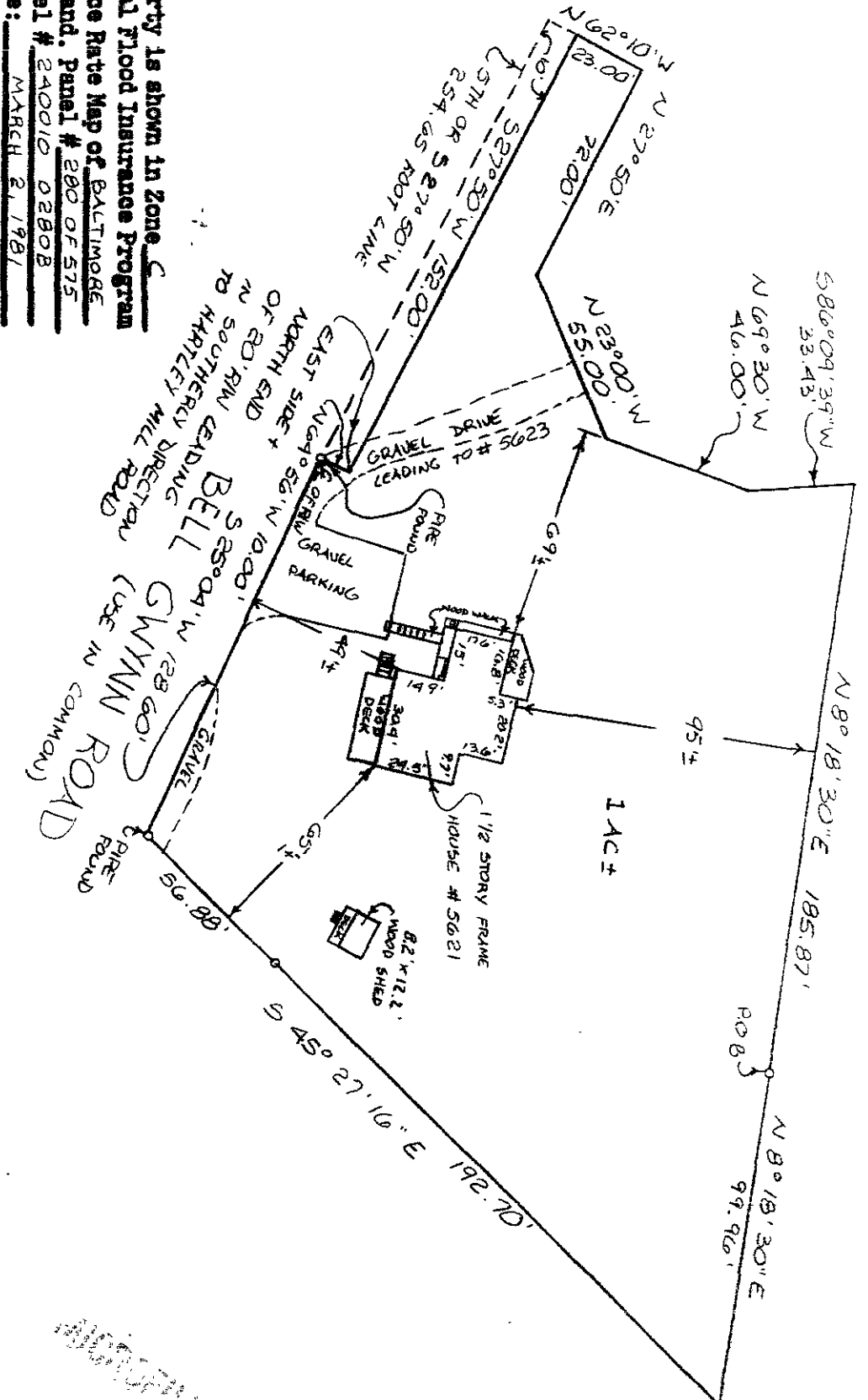
Room 101

PYRIGHT - MAP DIVISION - 1967

DEPT. OF ASSESS &amp; TAX.

947

059



Drawing # Q156 WM

SARA wells  
5636 Bell Gwynn  
#1106045150

114  
77°41'30"E  
51.00'  
I.P. SET  
I. PIN FND.

I.P. FND.

Shirley Gwynn  
P.O. Box 200  
#1110000200

350' to  
304  
Closest  
Dwelling

Paul B. Nelson  
5624 Bell Gwynn  
21057  
#2200007592

570

300' to  
Closest  
Dwelling

I. PIN  
FND.

George Selby  
5621 Bell Gwynn  
1900012451

67

1050' to  
Hartly Mill  
Rd.

1. S 87 38'46"W - 33.00' 1. PIN SET
  2. N 69 34'59"W - 46.00' 1. PIN SET
  3. N 23 04'59"W - 55.00' 1. PIN SET
  4. N 27 45'01"E - 72.00' 1. PIN SET
  5. N 62 14'59"W - 23.00' 1. PIN SET
  6. S 27 45'01"W - 152.00' 1. PIN SET
  7. N 65 00'59"W - 10.00' 1. PIN SET
- 8  
9  
10  
11  
12 } on attached sheets.
- Councilmanic Dist 6<sup>th</sup>  
Election DIST 11<sup>th</sup>  
1"=200' MAP # -NE, 15-G  
Zoning RC-2.  
LOT SIZE 1.0 ac

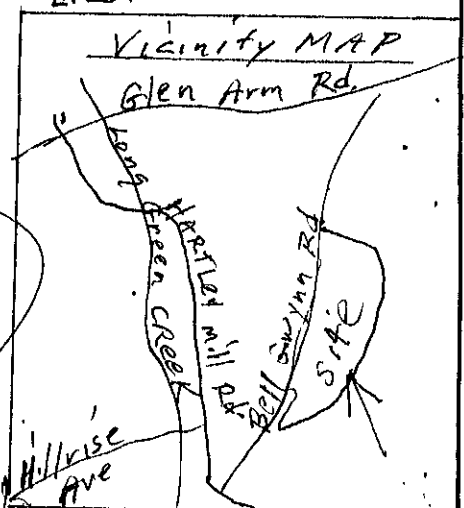
SEWER - Private  
WATER Private

Chesapeake Bay Critical AREA ☒  
Prior Zoning Hearings ☐

William Connolly Jr  
P.O. Box 246  
Glen arm  
#1600002545  
91

JIM LYTTON & DONNA PATTON  
7924/364  
1.00 AC.

Kerry Canavan  
9002 SCOTTS HAVEN DR  
BALTO  
#2100011620  
21234



556

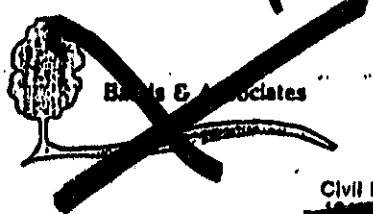
Let No 1

I. PIN  
FND.

I hereby certify that, to the best of my knowledge and belief, the property shown hereon is a correct representation and that the perimeter courses shown hereon are correct, that property corners have been set or found as shown hereon, that the survey shown hereon is prepared from a field run survey completed without benefit of a title report.

**Plat altered for ZONING PURPOSES.**

196



William H. B. P.E.  
301-2336

Civil Engineers / Land Planners / Surveyors

PLAT SHOWING THE PROPERTY  
SURVEY OF  
5623 BELL GWYNN LN.  
BALTIMORE COUNTY, MD.  
SCALE: 1"=100'  
DATE: JULY, 1991

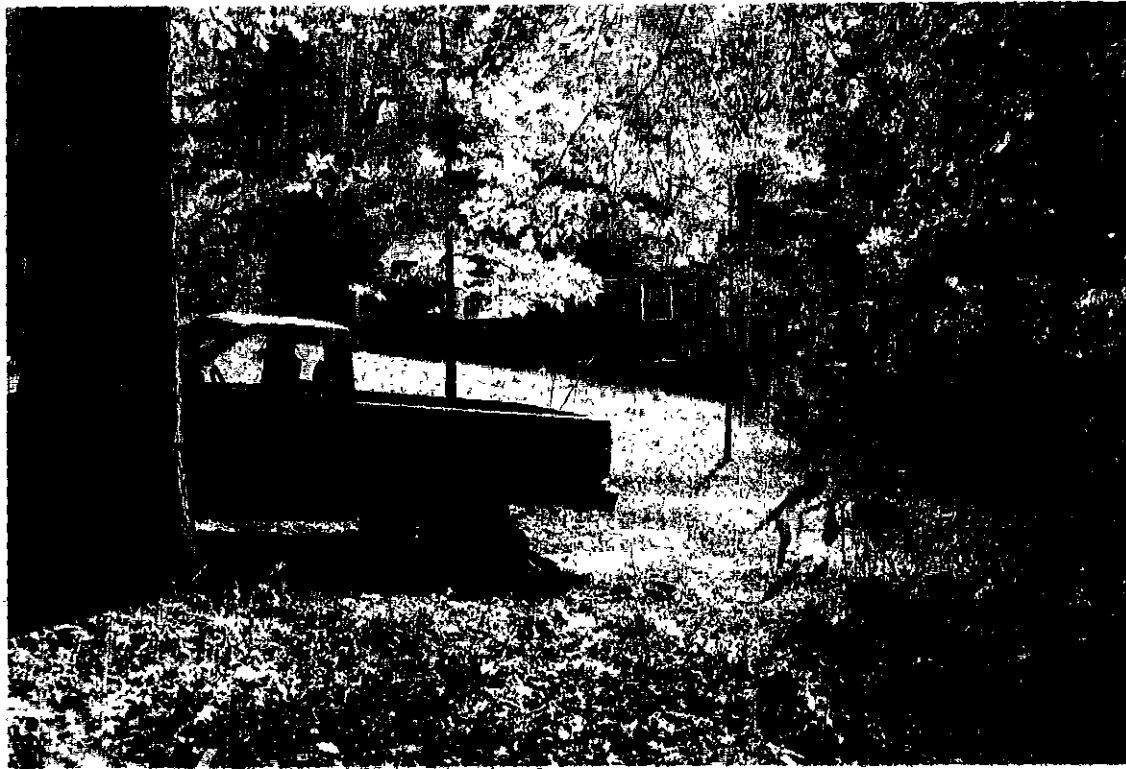
PROPERTY DESCRIPTION

BEGINNGING AT PIN ONE (WEST 33.16 FEET)  
PIN TWO ( WEST 46 FEET )  
PIN THREE (NORTHWEST 55 FEET)  
PIN FOUR ( NORTH 72 FEET )  
PIN FIVE ( WEST 23 FEET)  
PIN SIX ( SOUTH 152 FEET)  
PIN SEVEN ( WEST 10 FEET)  
PIN EIGHT ( NORTH 256.61 FEET)  
PIN NINE ( NORTH 268.8 FEET)  
PIN TEN ( NORTH 116.97 FEET)  
PIN ELEVEN( EAST 59 FEET)  
PIN TWELVE( SOUTH 603.37 TO PIN 1)

196

96-197-A

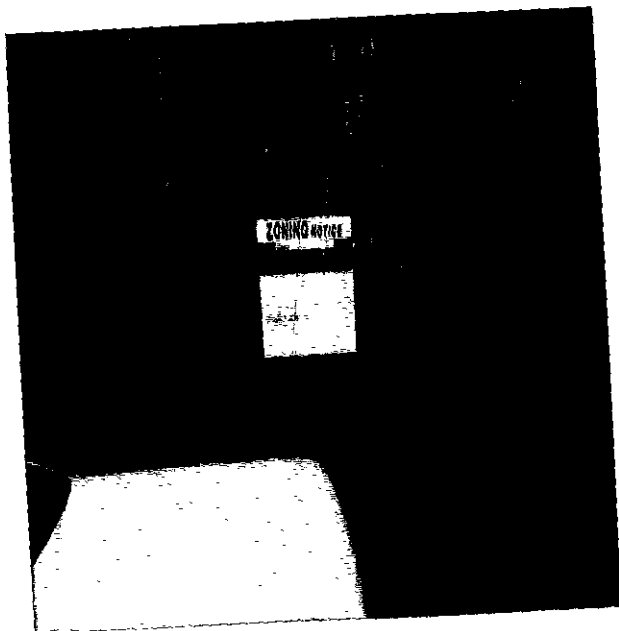
96-197-A



Complainant's  
house. Selby



Pool & deck.



ML-1M

306-SPHA  
(3-22)

ZONING MAP  
NE 3-G  
SCALE: 1"=200'

SITE  
#800 RACE RD

PRIVATE

PRIVATE

ROAD

80-138A  
89374-A

ROAD

RACE RD.  
(PUBLIC UTILS EXIST)

ROAD

588

(SHEET N.E. 46)

85-295 SPH  
64-29X 3566

GOLDEN  
RING ROAD

PRIVATE

ROAD

76-205 SPH  
N11850  
E39535

ELECTRIFIED

83  
65

73-252X  
N6810  
E40130

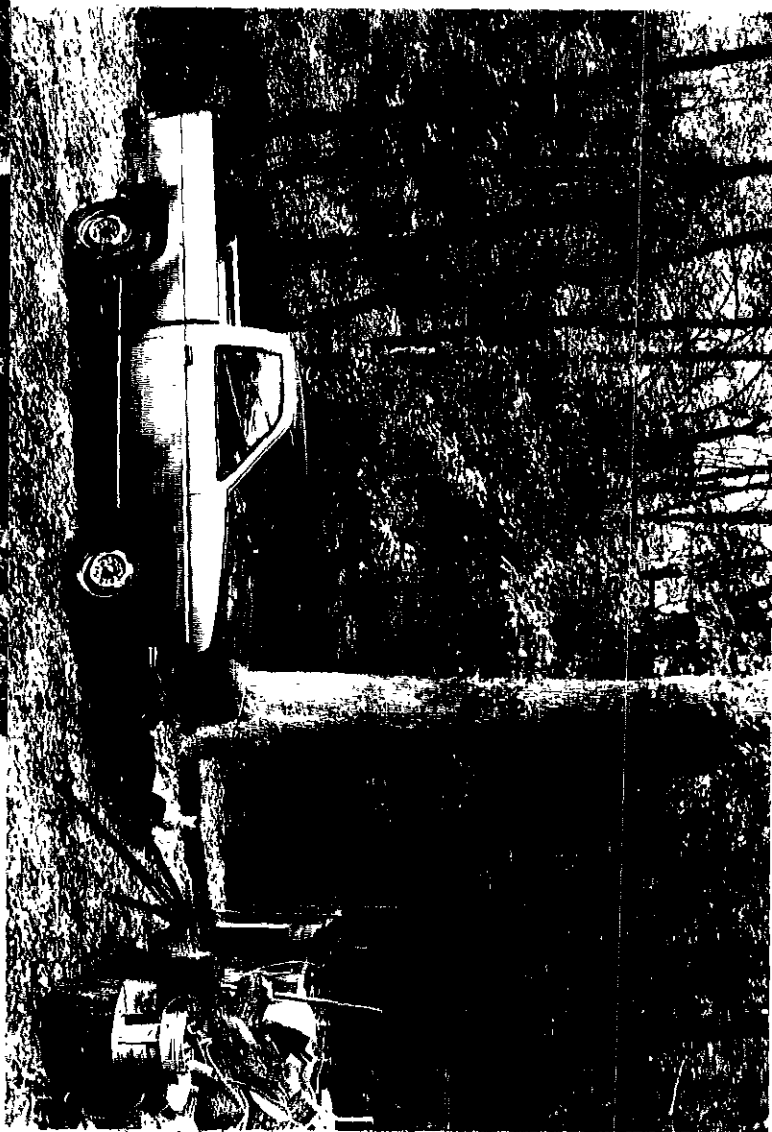
461



Mutual  
driveway  
196. Pet-  
71 to left



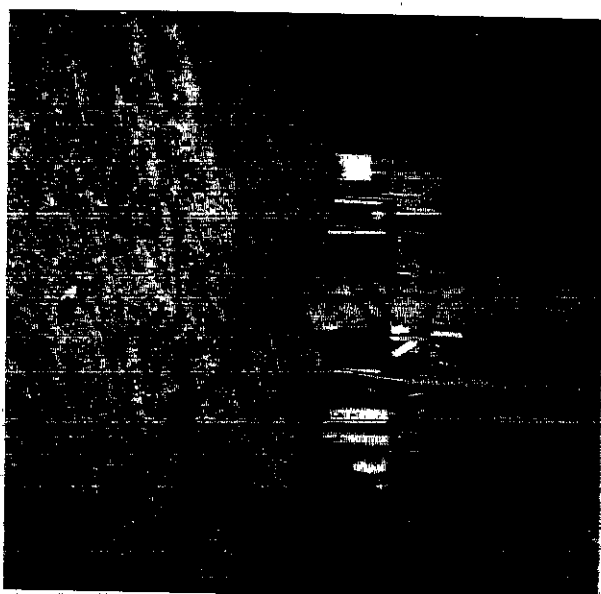
pool & check  
→ Surveyor stake  
property line

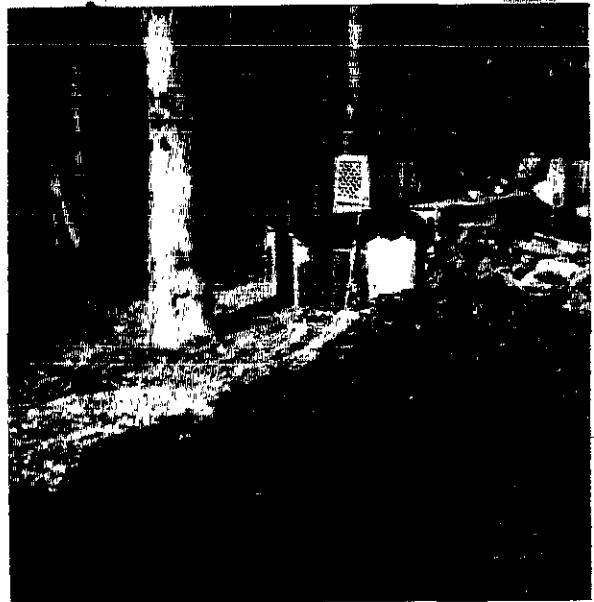
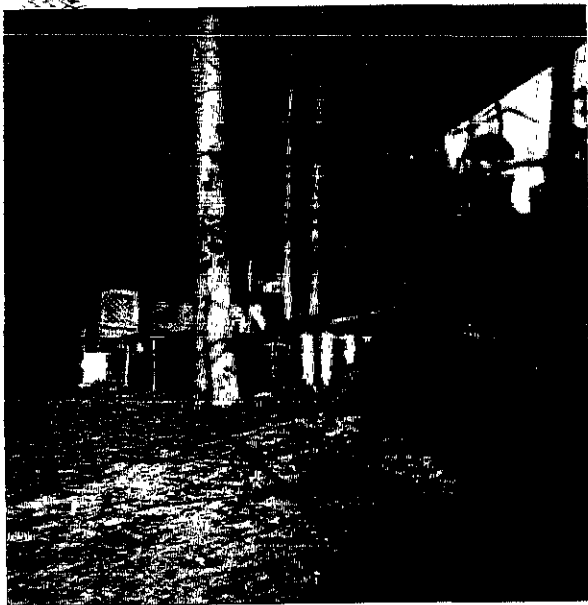


1966 to 1967

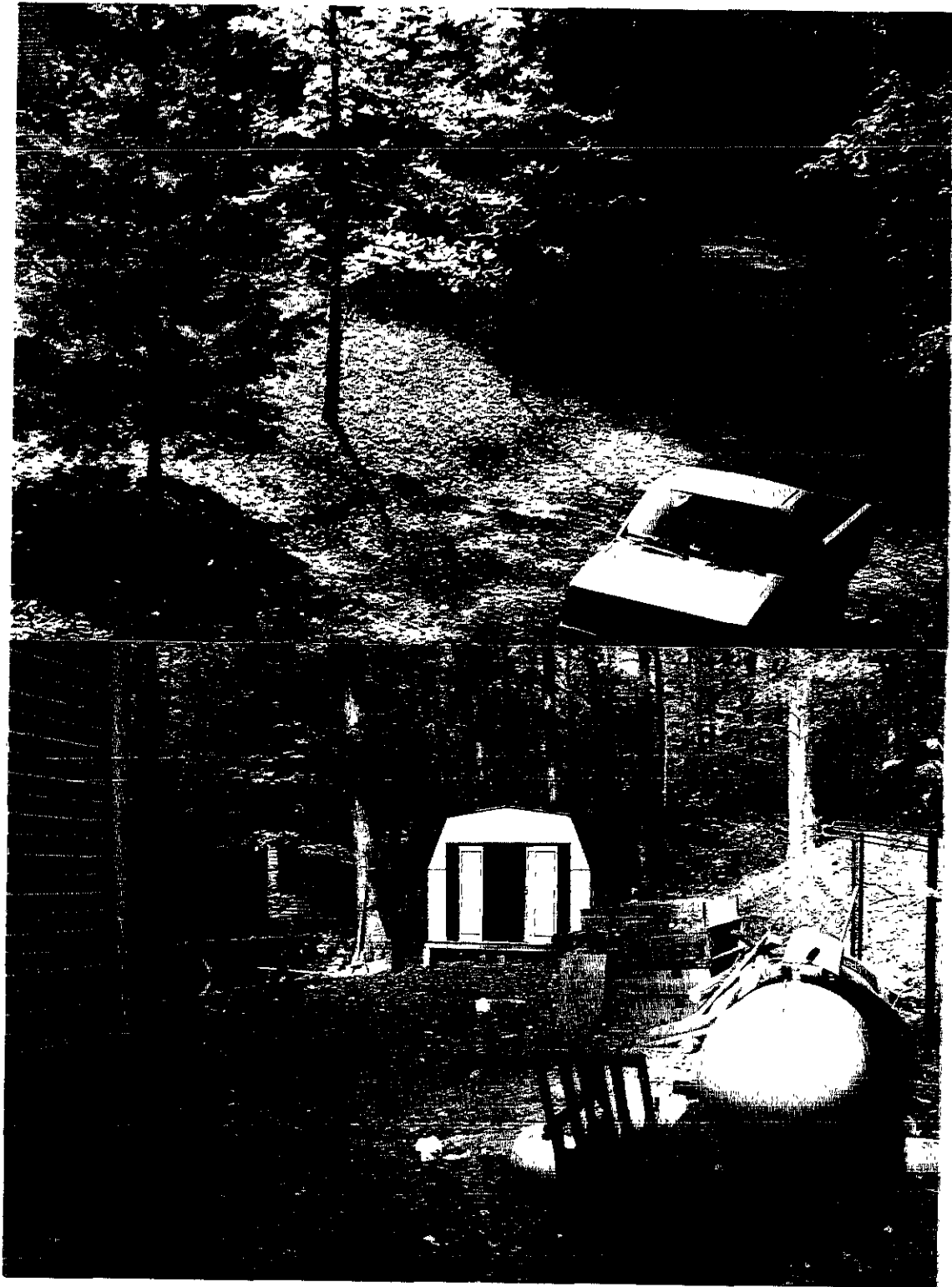
Pool &  
check.













IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
R/S Bell Gwynn Road, 1050 ft. \* ZONING COMMISSIONER  
1/2 N of Hartley Mill Rd.  
5623 Bell Gwynn Road \*  
11th Election District \* OF BALTIMORE COUNTY  
6th Councilmanic District  
James Lytton, et ux \* Case No. 96-197-A  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 5623 Bell Gwynn Road in northern Baltimore County. The Petition is filed by James Lytton and Donna Lytton, his wife, property owners. Variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (pool and deck) to be located in the front/side yard with a closest setback of 1-1/2 ft. in lieu of the required rear yard and 2-1/2 ft. minimum setback. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case were the Petitioners/property owners. Appearing in opposition and/or as interested persons were George Selby and Carol Selby, adjacent property owners.

Testimony and evidence presented by the Petitioners was that the subject property is approximately one acre in area zoned R.C.2. The property is located in the rural northern portion of Baltimore County. As shown on the site plan, the parcel is irregularly shaped. Apparently, the Petitioners have owned the property and resided thereon for approximately 8 years. The property is zoned R.C.2.

There are a number of significant site constraints attached to their property. As shown on the plan, a stream and area of wetlands traverses the property and significantly limits the building envelope. Thus, the

dwelling and related improvements are clustered towards the southeast corner of the tract. Moreover, vehicular access to the property is by way of a driveway which crosses the Selbys' property. Apparently, the Petitioners enjoy an easement permitting vehicular access to and from their property across this driveway.

The subject variance is necessary because of a pool and deck which have been located adjacent to the dwelling. The pool and deck are shown on a number of photographs which were submitted by both sides at the hearing. The pool is an above ground circular structure. It is located near the driveway entrance to the property and within close proximity to the property line and Selbys' dwelling. Testimony was that the pool has been at this location for approximately 7 years.

Mr. and Mrs. Lytton testified that the present location of the pool is the only practical place on the lot where the pool can be constructed. They note the location of the dwelling and site constraints caused by the stream as factors which led to the placement of the pool as constructed. Moreover, the rear of the site is heavily wooded and sloped thereby preventing placement of the pool in that area of the lot. The Petitioners maintain that variance relief should be granted in that the pool and deck cannot be practically located elsewhere on the lot.

Mr. and Mrs. Selby do not object, per se, to the location of the pool. However, as shown in photographs which were submitted, there has been an accumulation of debris adjacent to the pool. They believe that this debris is an eyesore and is unattractive. They are particularly concerned because the pool and the debris which is accumulated in the vicinity is within close proximity of their dwelling.

The issue before me is a narrow one. The requested variance seeks only relief to allow the pool and deck to be located as described above.

-2-

Within that narrow context, I am persuaded to grant the Petition for Variance. I am convinced that the Petitioners have satisfied the standard at law to support the grant of the variance relief. Specifically, the property does possess a number of unique site constraints and characteristics which limit the area for these improvements. I am convinced that the pool is situated at the only location where practical.

While I will grant the Petition for Variance, I am appreciative of the neighbors concerns. The grant of the variance should not be construed to confer any greater right to the property owner than is provided herein. Certainly, the legal rights provided by the easement are not affected by the grant of variance relief and the Petitioner must respect the property lines and cannot commit a trespass upon their neighbors' property. As importantly, the Petitioners should be cautioned not to accumulate an undue volume of debris on the property. The Petitioners' dwelling and that owned by its neighbor are substantial and, obviously, constitute significant investment. The Petitioners should assure maintenance of these property values by keeping the property clear of debris. Accumulation of debris on a long term basis may subject the Petitioners to inspection by the Zoning Enforcement Office and possible prosecution.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of January, 1996 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (pool and deck) to be located in the front/side yard with a closest setback of 1-1/2 ft. in lieu of the required rear yard and 2-1/2

-3-

ft. minimum setback, be and is hereby GRANTED, subject, however, to the following restriction:


1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES/mmm

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 1/11/96  
By [Signature]

-4-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 11, 1996

Mr. and Mrs. James Lytton  
5623 Bell Gwynn Road  
Glen Arm, Md. 21057

RE: Case No. 96-197-A  
Petition for Zoning Variance  
Property: 5623 Bell Gwynn Road

Dear Mr. and Mrs. Lytton:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

[Signature]  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm

att.  
cc: Mr. and Mrs. George Selby, 5621 Bell Gwynn Road,  
Glen Arm, Md. 21057

## Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 5623 Bell Gwynn Rd.  
which is presently zoned 400.1

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 To allow an accessory (pool & deck) to be located in the front/side yard and with a closest setback of 1 1/2 feet in lieu of the required rear yard and 2 1/2 feet minimum setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)  
Pool existing six years. No other place we could put it due to slope of property and septic and dry well in back yard.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchaser/Leasee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

James Lytton

(Type or Print Name)

Donna Lytton

(Type or Print Name)

Donna Lytton

Signature

5623 Bell Gwynn Rd H 592-2270 W 396 3028

Address

Glen Arm, MD 21057

City State Zipcode

James Lytton

(Type or Print Name)

5623 Bell Gwynn Rd H 592-2270 W 396 3028

Address

Glen Arm, MD 21057

City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Available for Hearing

Next Two Months

ALL

DATE 1/16/96

Printed with Reprints Ink  
Revised 9/5/95

196  
Zoning Description 96-197-A  
5623 Bell Gwynn Rd.

Beginning at a point on the East side of Bell Gwynn Rd at a point 1050 ft ± N of Hartley Mill Rd, thence running N 256.61 ft thence N 268.8 ft, thence N 116.97 ft, thence E 59 ft, thence S 603.37 ft, thence W 33.16 ft, thence N 41.6 ft, thence N 55 ft, thence N 72 ft, thence West 23 ft, thence S 152 ft, to the point of beginning. Containing 1.00 A± and located in the 11th E.D.

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11th Date of Posting: 1/11/96  
Posted for: Variance  
Petitioner: James & Donna Lytton  
Location of property: 5623 Bell Gwynn Rd  
Location of Sign: Property, rear yard, on property being zoned  
Remarks:  
Posted by: [Signature] Date of return: 1/16/96  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov 30, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 23, 1995

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON



RECEIVED  
NOV 21 1995  
PDM

INTER-OFFICE CORRESPONDENCE

DATE: November 17, 1995

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 196, 197, 198, 199, 200, 201, 203 and 204

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Division Chief: Sam L. Huns

PK/JL

## PETITION PROBLEMS

#194 — MJK

Need power of attorney for person signing for legal owner.

#196 — JJS

**No zoning listed on petition form.**

#200 -- JJS

Notary section is incomplete - only one signature notarized.

#201 -- JJS

Nc telephone number for legal owner.

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 96-197-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to James and Donna Lytton, 5623 Bell Gwynn Road, Glen Arm, MD 21057, Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

96-197-4

5625 Bel

~~TS~~ about 1 acre

zoned R12

28 years - lived here.

lived here about 2 years

above ground

Selby - Understands which pool is there

OK to Grant

PRINT CLEARLY

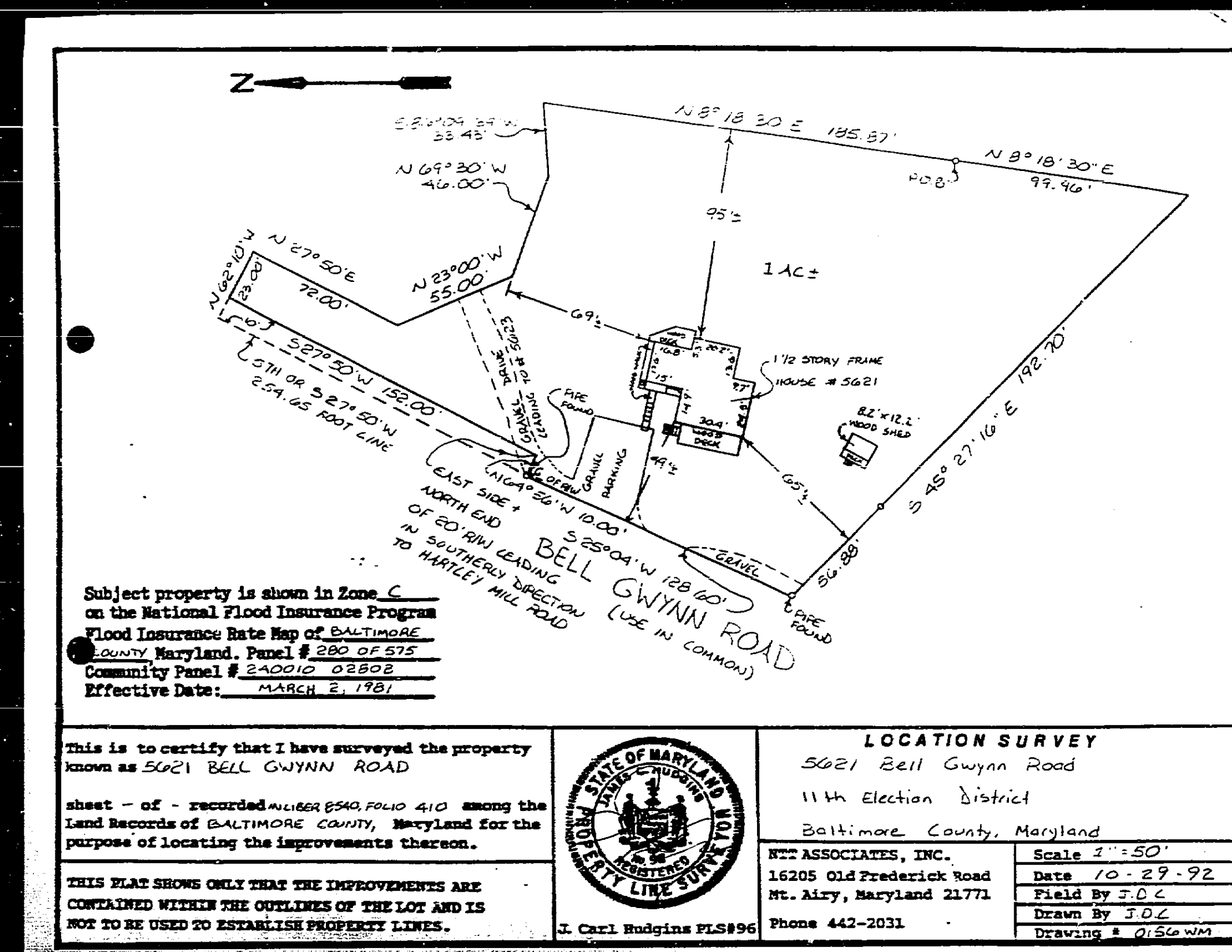
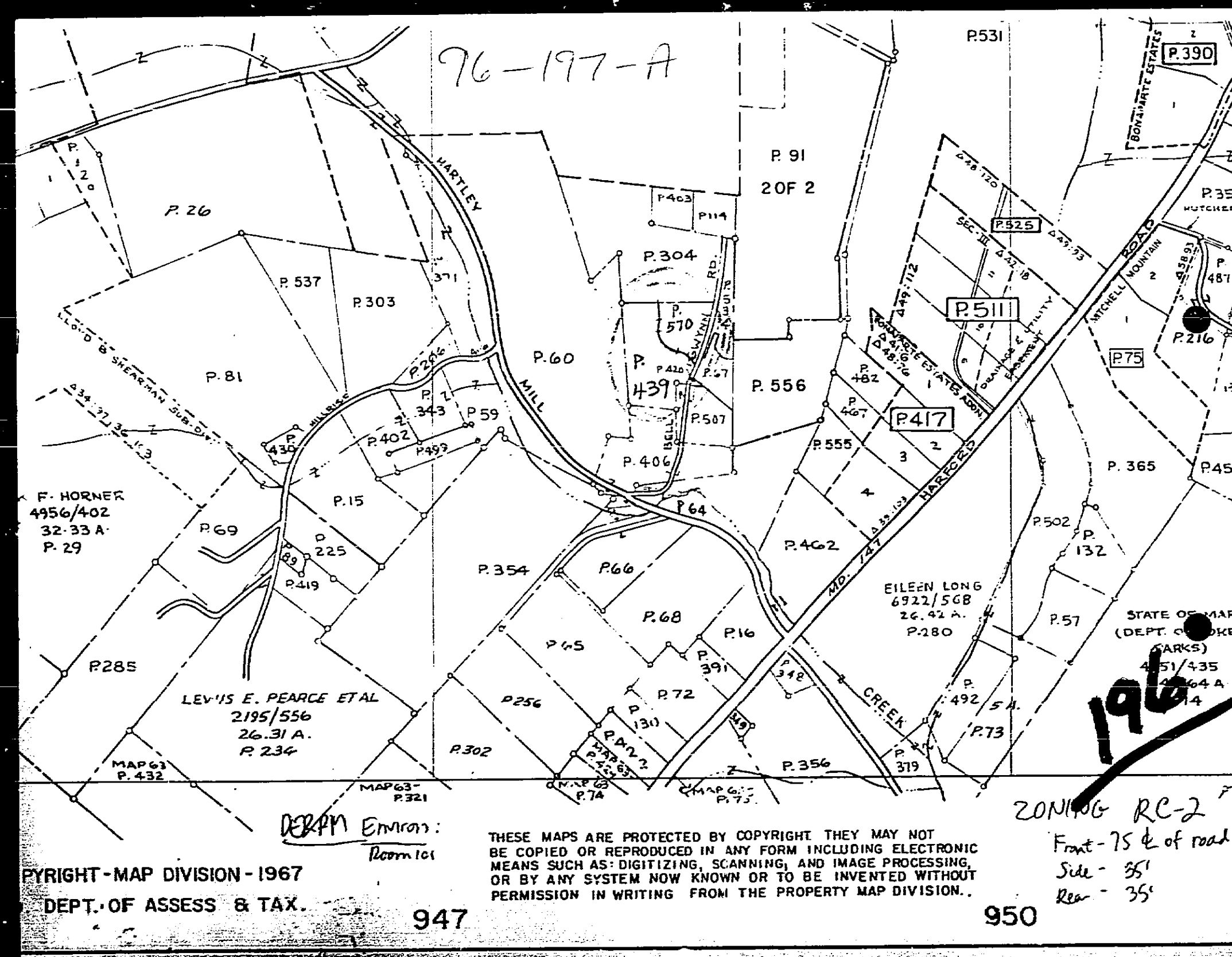
## PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
James Lyttel	5623 Bell Geyser rd
Dana Lyttel	5623 Bell Geyser rd

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

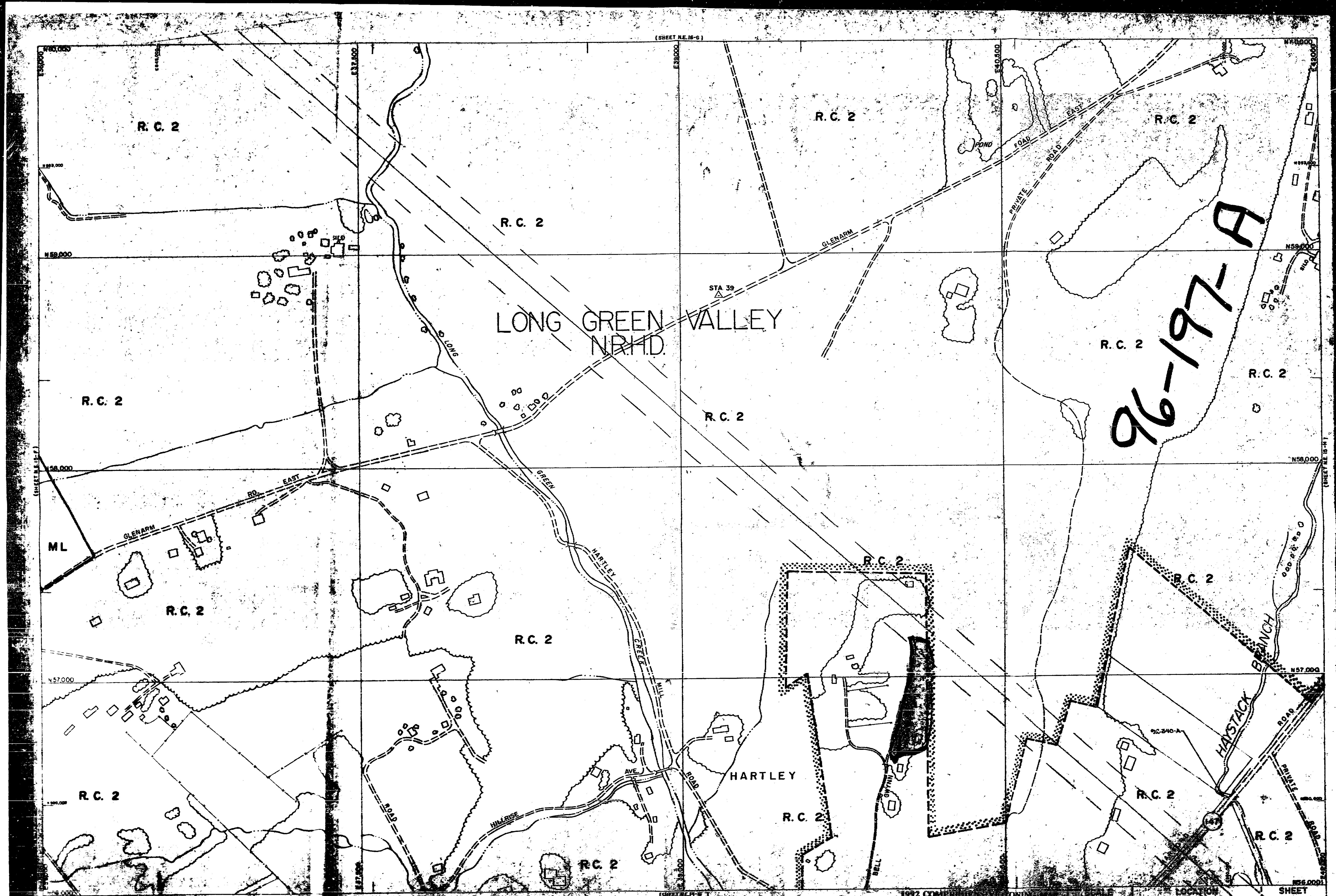
<u>NAME</u>	<u>ADDRESS</u>
GEORGE SELBY	5621 BELL GWYNN RD.
CAROL SELBY	5621 BELL GWYNN RD.



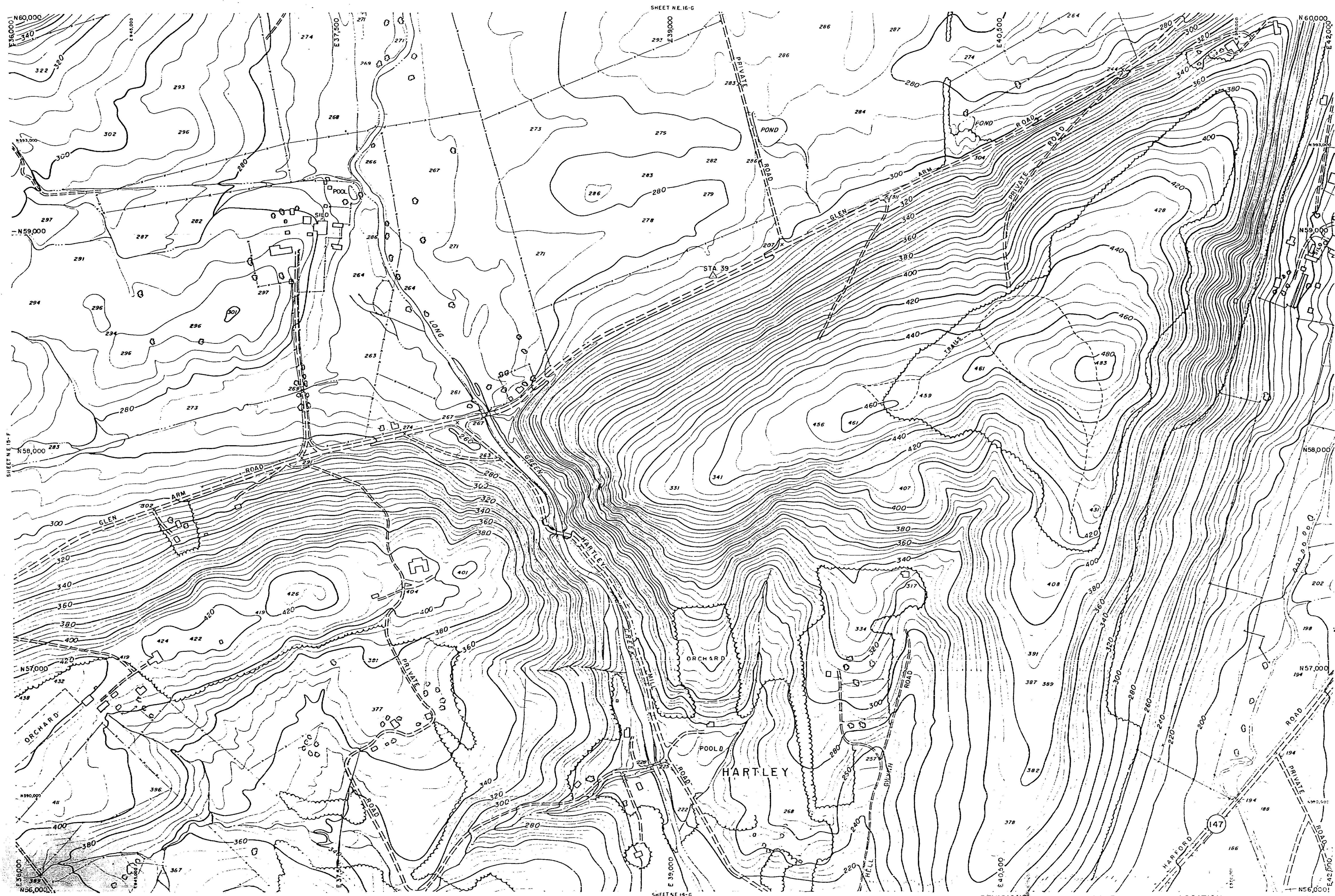












Q-NW  
UU-SW

96-197-A

# PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS  
B1 DATE

SCALE  
1" = 200'

DATE OF  
PHOTOGRAPHY  
APRIL 1956

LOCATION

HARTLEY

SHEET

N. E.

15-G

Topography Compiled by Photogrammetric Methods  
MAPS INCORPORATED BALTIMORE 22, MARYLAND